

IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE DISTRICT OF SOUTH CAROLINA
GREENVILLE DIVISION

Dustin Anthony Simmons,)	
)	Civil Action No. 6:10-367-RBH-KFM
Plaintiff,)	
)	
vs.)	<u>REPORT OF MAGISTRATE JUDGE</u>
)	
Willie Bamberg, Director, Orangeburg-)	
Calhoun Detention Center; and)	
Orangeburg County (38),)	
)	
Defendants.)	
)	

The plaintiff brought this action seeking relief pursuant to Title 42, United States Code, Section 1983.

Pursuant to the provisions of Title 28, United States Code, Section 636(b)(1)(B), and Local Rule 73.02(B)(2)(d), D.S.C., this magistrate judge is authorized to review all pretrial matters in cases filed under Title 42, United States Code, Section 1983, and submit findings and recommendations to the District Court.

On May 28, 2010, the Clerk of Court mailed a notice of case reassignment to the plaintiff at his last known address (Orangeburg-Calhoun Regional Detention Center, P.O. Box 9000, Orangeburg, SC 29115). The envelope containing this notice was returned to the Clerk as the plaintiff apparently has been released from the Orangeburg-Calhoun Regional Detention Center.

The record reveals that the plaintiff was advised by order dated February 23, 2010, of his responsibility to notify the court *in writing* if his address changed.

Based on the foregoing, it appears the plaintiff no longer wishes to pursue this action. Accordingly, it is recommended that this action be dismissed for lack of prosecution.

June 11, 2010
Greenville, South Carolina

s/Kevin F. McDonald
United States Magistrate Judge